

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHABTAI SCOTT SHATSKY, individually and as :
personal representative of the Estate of Keren Shatsky, :
JO ANNE SHATSKY, individually and as personal :
representative of the Estate of Keren Shatsky, :
TZIPPORA SHATSKY SCHWARZ, YOSEPH :
SHATSKY, SARA SHATSKY TZIMMERMAN, :
MIRIAM SHATSKY, DAVID RAPHAEL :
SHATSKY, GINETTE LANDO THALER, :
individually and as personal representative of the :
Estate of Rachel Thaler, MICHAEL THALER, :
individually and as personal representative of the :
Estate of Rachel Thaler, LEOR THALER, ZVI :
THALER, ISAAC THALER, HILLEL TRATTNER, :
RONIT TRATTNER, ARON S. TRATTNER, :
SHELLEY TRATTNER, EFRAT TRATTNER, :
HADASSA DINER, Yael HILLMAN, STEVEN :
BRAUN, CHANA FRIEDMAN, ILAN FRIEDMAN, :
MIRIAM FRIEDMAN, YEHIEL FRIEDMAN, ZVI :
FRIEDMAN and BELLA FRIEDMAN, :

Plaintiffs,

v.

THE PALESTINE LIBERATION ORGANIZATION, :
and THE PALESTINIAN AUTHORITY (a/k/a “THE :
PALESTINIAN INTERIM SELF-GOVERNMENT :
AUTHORITY” and/or “THE PALESTINIAN :
NATIONAL AUTHORITY”), :

Defendants.

Case No. 1:18-cv-12355-MKV

Honorable Mary Kay Vyskocil

**NOTICE OF FILING OF UNREDACTED VERSIONS OF
ECF NOS. 133, 134 AND CERTAIN EXHIBITS TO ECF NO. 136 PURSUANT TO
OPINION AND ORDER DATED MARCH 18, 2022 AND PROTECTIVE ORDER**

PLEASE TAKE NOTICE that, pursuant to and in compliance with the Court's prior orders entered in this case, Plaintiffs hereby file unredacted versions of ECF 133 (Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment), ECF 134 (Plaintiffs' Responses to Defendants' Local Rule 56.1 Statement of Facts in Opposition to Defendants' Motion for Summary Judgment), and certain exhibits attached to ECF 136 (Exs. 4-7, 11-14, 24, 39, 51-67, 71, and 82-87 attached to the Declaration of Abbe David Lowell in Support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment). In support of Plaintiffs' notice, Plaintiffs state as follows:

1. On March 11, 2021, the Court entered a Superseding Stipulation and Order Concerning Production of Confidential Documents and Information (ECF 64, "Protective Order"), which requires that a "Party who seeks to file ... any pleading, brief, memorandum, or other document that discloses Confidential Material" file these documents "on the ECF system in redacted form (the 'Redacted Filing') until the Court renders a decision on any motion to seal[.]" Protective Order, ¶ 17. If the Court denies a timely motion to seal such materials, then "the Party making the filing shall take steps to replace the Redacted Filing with its corresponding unredacted version." *Id.*

2. On October 4, 2021, Plaintiffs filed their Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment (ECF 133) and their Responses to Defendants' Local Rule 56.1 Statement of Facts in Opposition to Defendants' Motion for Summary Judgment (ECF 134). On October 5, 2021, Plaintiffs filed the Declaration of Abbe David Lowell in Support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment (ECF 136), attaching 119

exhibits thereto. Thirty-four (34) of those exhibits were filed under seal in accordance with Paragraph 17 of the Protective Order.¹

3. On October 11, 2021, Plaintiffs timely filed a letter motion to seal (ECF 137) identifying the exhibits that were respectively designated Confidential by Plaintiffs and Defendants, and that for those specific exhibits designated Confidential by Defendants, “[a]bsent an application by Defendants to seal these exhibits and Your Honor’s order authorizing their sealing, Plaintiffs will refile such documents in unsealed form in accordance with Paragraph 17 of the Protective Order.” ECF 137 at 1.

4. On March 18, 2022, Your Honor denied all open motions to file under seal: “Having reviewed the unredacted materials, I do not believe the cited interests in confidentiality overcome the ‘strong presumption in favor of public access’ to judicial documents. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 126 (2d Cir. 2006).... All outstanding motions to seal filings and strike exhibits are DENIED [ECF Nos. 137, 138, 142, 147, 158].” ECF 165 at 12–13.

WHEREFORE, in accordance with Your Honor’s Order denying motions to seal and Plaintiffs’ obligations under the Protective Order, Plaintiffs hereby file unredacted versions of ECF Nos. 133, 134, and certain exhibits attached to ECF 136.²

¹ The following exhibits had or contained information previously designated as Confidential by Defendants: Exhibits 4-7, 11-14, 24, 39, 71, and 82-87. Plaintiffs filed these exhibits under seal as required by the Protective Order, but took no position as to the confidentiality designations of the underlying exhibits. Plaintiffs requested that only Exhibit 51 be designated as Confidential and filed under seal.

² Please note that certain of the exhibits contain redactions for personally identifiable information (PII) as required by Fed. R. Civ. P. 5.2.

Dated: New York, New York
April 6, 2022

Respectfully submitted,

WINSTON & STRAWN LLP

s/ Abbe David Lowell

Abbe David Lowell

Sofia Arguello

200 Park Avenue

New York, New York 10166

Tel.: (202) 282-5875

Fax: (202) 282-5100

Email: adlowell@winston.com

Email: sarguello@winston.com

Attorneys for Plaintiffs